



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 28 February 2007

EXPIRATION DATE: 29 March 2007

REFERENCE NUMBER: POA-2007-434-1

WATERWAY: Peterson Bay

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. Thomas and Mrs. Laura Anglin, Post Office Box 1406, Homer, Alaska 99603-1406. Telephone: (907) 235-2819.

AGENT: Ms. Ann Oberlitner, Four Mountains, LLC., 40808 McLay Road, Homer, Alaska 99603-9417. Telephone: (907) 399-7559.

LOCATION: Peterson Bay, Lot 2, J Moss Subdivision, Plat 73-715, within Section 14, T. 7 S., R. 12 W., Seward Meridian, Seldovia, Alaska; Longitude: -151.2675°W., Latitude: 59.5666°N.

WORK: Construct a 24'x 40' dock, a 6'x 50' ramp, a 12'x 20' wood landing, and an 8'x 96' boardwalk. A total of six steel pilings will be used for the dock. Wood for the decking has been pressure treated with ACQ Type B wood preservative. The pilings for the boardwalk are weathered, used, creosote pilings.

PURPOSE: Residential access.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Management and Budget, Division of Governmental Coordination has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There is an unevaluated property in the vicinity of the worksite. It has been designated Peterson Bay 1 (SEL-00011). Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996, 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service.

We have determined that the described activity within the proposed area may adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: Kachemak Bay Critical Habitat Area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the

Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Daniel Smith at (907) 753-2715 or toll free in Alaska at (800) 478-2712, if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

A plan and Notice of Application for Certification of Consistency with the Alaska Coastal Management Program are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

U.S. Army Corps of Engineers – Attachment

Anglin Dock

18. Nature of Activity

A 12'x 20' wood landing on steel piles will be constructed from a rock outcropping. The two landward piles will be grouted into the rock; the two seaward piles will be driven into bedrock. Steel beams will support all-weather wood joists and decking.

A 6'x 50' aluminum ramp will connect the landing to two 12'x 20' wood floats, bracketed by four steel piles driven into bedrock. The ramp will be constructed of marine grade aluminum and galvanized steel. The floats will be made of expanded polystyrene foam, decked over with all-weather wood.

A boardwalk, 8'x 96', on weathered creosote piles (hand-dug to bedrock, approx. 6"-12" deep) with approximately 12-foot spacing between the piles, will cross the lot to access a future home-building site. The deck assembly will consist of all-weather wood girders, joists, and decking.

19. Project Purpose

The purpose of the proposed dock and boardwalk is to provide access to Lots 2 & 3 in the J.Moss subdivision in Peterson Bay, property owned by Tom and Laura Anglin. Without a dock, access is difficult; the water frontage is precipitous which makes offloading materials and supplies not only burdensome, but perilous at times. Without a dock, boats must be moored offshore on a running line, which is not always secure, as prevalent southwesterly winds and tide bear on the station. Also, their elderly parents are not able to safely traverse the beach and lot terrain.

Adjacent lot owners, the Andersons, (Lot 1, J.Moss subdivision), will have access to the dock system at any time. The Bagleys, leaseholders of Lot 1 in the Bagley Cove subdivision on the China Poot Bay side, may use the Anglin dock and boardwalk as a matter of convenience and safety because access via the China Poot channel is more limited by tide than in Peterson Bay.

The dock will not impede navigability of the waterways; it will be sited in a small bight away from traffic patterns and will not hinder access to any other properties including State Park lands.

Timeframe

Proposed construction of the dock would begin in May 2007. Six steel piles for the dock system would be driven into the seabed over a period of two days as per conditions of the ADF&G Special Area Permit. Construction of the entire dock system would progress

during the months of May through September. Completion of the boardwalk with weathered creosote piles may not take place until the summer of 2008.

24. Addresses of Adjoining Property Owners, Lessees, ...

Margaret S. Anderson – P.O. Box 115 – Homer, AK 99603
Lot 1 – J. Moss Subdivision

Seldovia Native Assn., Inc. – P.O. Drawer L – Seldovia, AK 99663
Unsurveyed portion of Sec. 14 west of J. Moss Subdivision

Seldovia Native Assn., Inc. – P.O. Drawer L – Seldovia, AK 99663
Lot 1 - Bagley Cove Subdivision

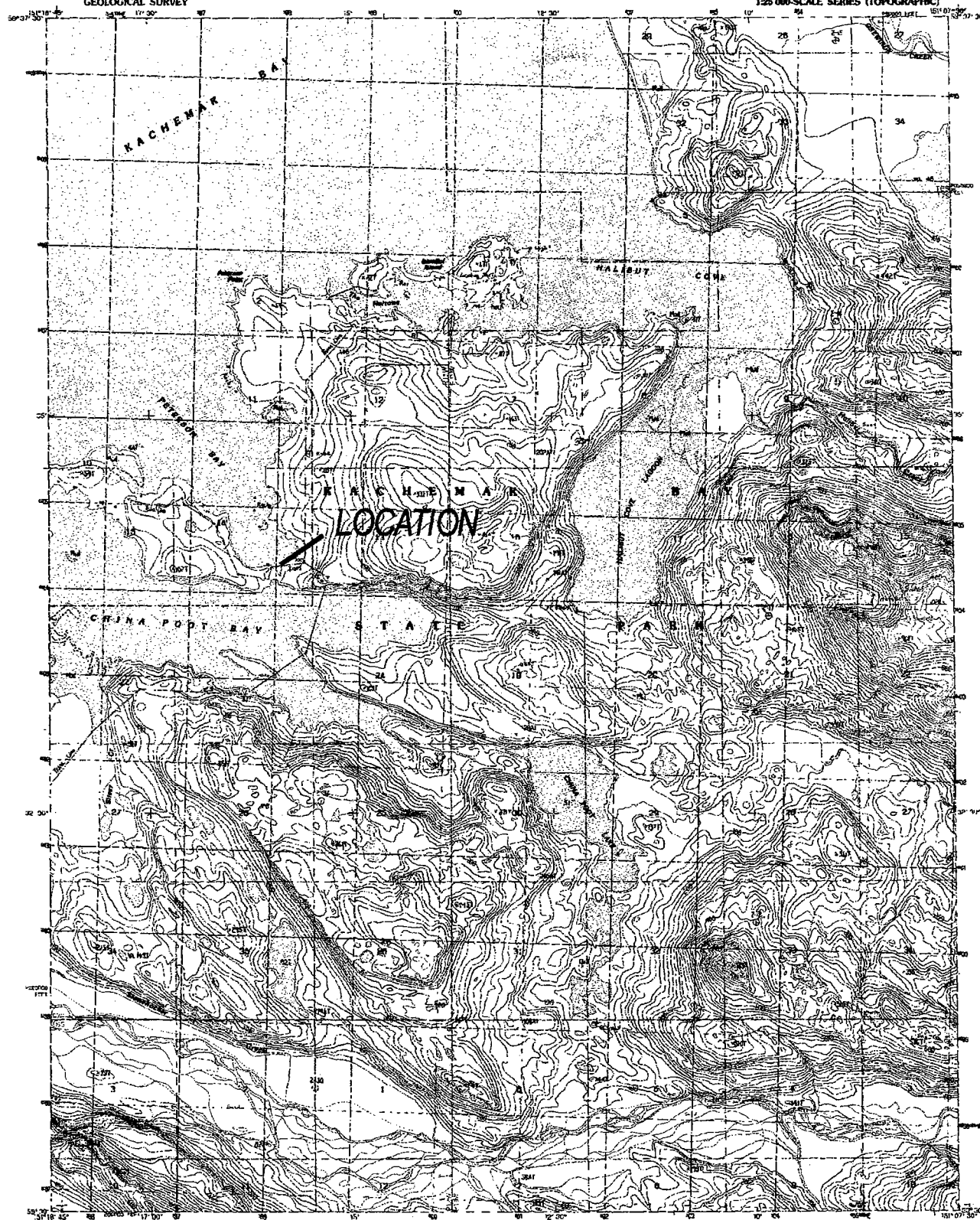
Alaska State Parks Division – 550 W. 7th Ave., Ste. 1380 – Anchorage, AK 99501
Unit 2 Lot 11 – Clayton Subdivision

Denis S. & Deborah H. Corral – 12516 Golden Eagle Drive – Eagle River, AK 99577

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UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

SELDOVIA (C-4) SE QUADRANGLE
ALASKA-KENAI PENINSULA BOROUGH
1:25 000-SCALE SERIES (TOPOGRAPHIC)

[illegible]

PROVISIONAL MAP
Produced from original
manuscript drawings. In-
spection shown as of date of
field check.

SCALE 1:25,000
ALABAMA
VICTORY 1000
1000 2000 3000 4000 5000 6000 7000 8000
CONTOUR INTERVAL 50 METERS
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE INLAND BOUNDARY OF THE SHORELINE IS 40 METERS
CONTROL POINTS SHOWN IN RED ARE AT LEAST 40 METERS
CLOSE TO SHORELINE
For example: distance from meander to 3,700
To convert distance to meters multiply by .3048
THIS MAP COMPLETES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, FARMINGTON, ALABAMA 36701

ROAD LEGEND

SELDovia (C-4) SE, ALASKA
PROVISIONAL EDITION 1967

591K1-P2-STA-675

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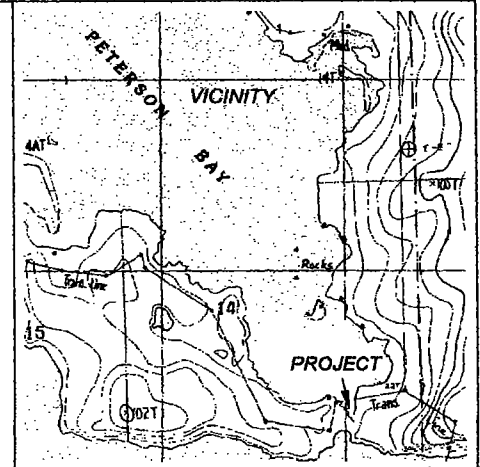
PETERSON BAY

Homer Spit
5.3 mi. to the NW



Tide Ebb

Average Water depth
5ft



SELDOVIA (C-4) SE QUADRANGLE
ALASKA-KENAI PENINSULA BOROUGH
1:25 000 SERIES SCALE-TOPOGRAPHIC
N59° 33.99' W151° 16.49'

Adjoining Land Owners:

West- AK State Parks Div.
550 W 7th AV. Ste. 1380
Anchorage, AK 99501

East- Margaret S. Anderson
PO Box 115
Homer, AK 99603

South- Seldovia Native Assn. Inc.
PO Drawer L
Seldovia, AK 99663

Clayton Sub.
Unit 2, Lot 11

Lot 2
J. Moss Sub.

Lot 1

Mean L L Water

Proposed Dock Structure

Steel Piles

2 - 12' X 20' Wood Floats

6' X 50' Aluminum Ramp

12' X 20' Wood Landing on Steel Piles

175.89'

Rock
Outcrop

Mean High Water



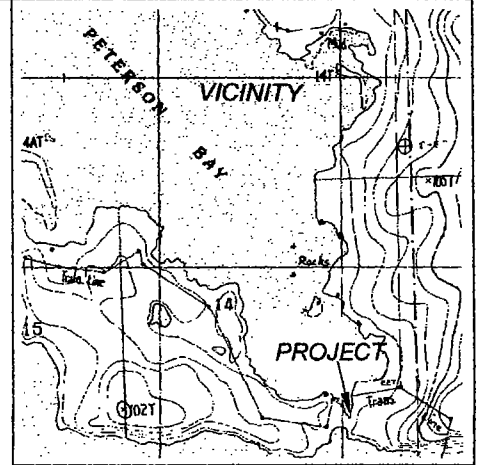
8' X 96'
Wood Boardwalk
on Weathered Creosote Piles

Name **Anglin Dock**

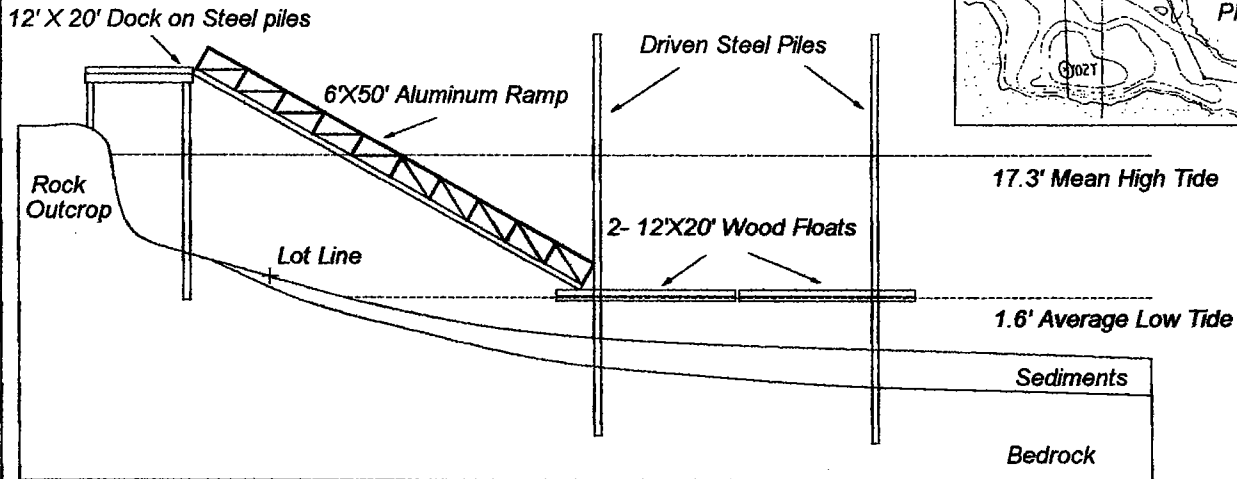
Waterway **Peterson Bay**

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SELDOVIA (C-4) SE QUADRANGLE
ALASKA-KENAI PENINSULA BOROUGH
1:25 000 SERIES SCALE-TOPOGRAPHIC
N59° 33.99' W151° 16.49'

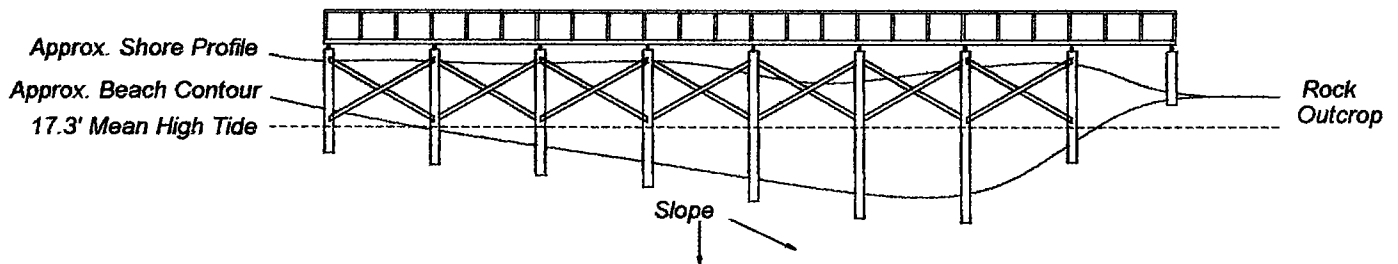


Elevation of Proposed Dock, Ramp and Floats



NOTE: All Land Contours Approximate

Elevation of Proposed Boardwalk

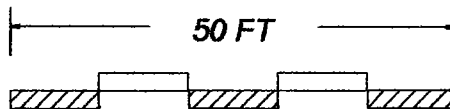


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Name Anglin Dock

Waterway Peterson Bay

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Peterson Bay

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
550 WEST 7TH AVENUE, SUITE 705
ANCHORAGE, ALASKA 99501-3559
PHONE: (907) 269-7470/FAX: (907) 269-3981

NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-2007-434-1, Peterson Bay, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.